

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**VICKY MONTGOMERY, individually; as
the natural mother and next friend of K.S.;
and as the natural maternal grandmother
and next friend of B.E.S., I.N.S., and
A.D.W.**

Plaintiff,

v.

**STATE OF ALABAMA DEPARTMENT
OF HUMAN RESOURCES; VONDA
GILLIAM, individually and in her capacity
as an employee of the State of Alabama;
LEIGH ANN JACKSON, individually and
in her capacity as an employee of the State
of Alabama; and ANGELA MAYBERRY,
individually and in her capacity as an
employee of the State of Alabama,**

Defendants.

Case No.: 5:10-cv-0012-PWG

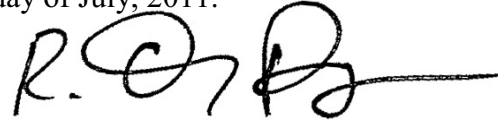
MEMORANDUM OF OPINION

On June 10, 2011, the Magistrate Judge's Report and Recommendation was filed. (Doc. #10). No objections have been filed by either Plaintiff or Defendants pursuant to Rule 72(b) of the *Federal Rules of Civil Procedure*.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Magistrate Judge's findings and recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby **ADOPTED** and his Recommendation is **ACCEPTED**. Accordingly, Defendants' motion to dismiss for lack of prosecution (Doc. #6) is due to be denied. Defendants' other pending dispositive motion (Doc. #3) is due to be granted in part as it requests a

more definite statement under Rule 12(e), and moot in part to the extent it seeks a Rule 12(b)(6) dismissal. A separate order will be entered.

DONE and **ORDERED** this 1st day of July, 2011.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE